

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OBADIAH D. LOMALYNDA,

No. C 08-05056 CW (PR)

Plaintiff,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

SGT. JIMENEZ, et al.,

Defendants.

On November 5, 2008, Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. Plaintiff filed a completed in forma pauperis (IFP) application; however, he did not file copies of the Certificate of Funds and prisoner trust account statement. On that same date, the Clerk of the Court sent Plaintiff a notice directing him to file copies of the Certificate of Funds and prisoner trust account statement. The Clerk also informed Plaintiff that the case would be dismissed if he failed to do so within thirty days.


On January 6, 2009, Plaintiff sent a letter to the Court stating he was having a "very difficult" time "obtaining cooperation" from the San Quentin State Prison trust account office. (Pl.'s Jan. 6, 2009 Letter at 1.)

In an Order dated January 13, 2009, the Court informed Plaintiff that his action could not go forward until he filed copies of the Certificate of Funds and prisoner trust account statement. The Court informed Plaintiff that he must file copies of the Certificate of Funds and prisoner trust account statement within thirty days or his action would be dismissed.

1 More than thirty days have passed and Plaintiff has not filed
2 the necessary documents or otherwise communicated with the Court.
3 Accordingly, this action is DISMISSED WITHOUT PREJUDICE.
4 Plaintiff's IFP application (docket no. 2) is DENIED as incomplete.
5 The Clerk shall close the file.

6 IT IS SO ORDERED.

7 DATED: 3/11/09



8 CLAUDIA WILKEN
9 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

OBADIAH D LOMALYNDA et al,

Case Number: CV08-05056 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

JIMENEZ et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 11, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Obadiah Dartagnan Lomalynda T-40894
San Quentin State Prison
San Quentin, CA 94974

Dated: March 11, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California